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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

YOUA VUE, individually and as
sucessor in interest to the Deceased,
VONG YANG,

Plaintiffs,

vs.

COUNTY OF YUBA, a municipal
entity; YUBA COUNTY JAIL, a
municipal entity; YUBA COUNTY
SHERIFF'S DEPARTMENT, a
municipal entity; SHERIFF
WENDELL ANDERSON, in his
individual, and official capacities;
CAPTAIN ALLAN GARZA, in his
individual, and official capacities; and
DOES 1-20 inclusive,

Defendants.

Case No: 2:21-CV-02222-TLN-KJN

**JOINT REPORT RE STATUS OF
THE CASE**

Action Filed: December 2, 2021

Trial Date: TBD

JOINT REPORT

TO THE HONORABLE COURT:

On January 13, 2023, the parties to this action, Plaintiff, YOUA VUE, individually and as successor in interest to the Deceased, VONG YANG (“Plaintiff”) and Defendants the COUNTY OF YUBA, a municipal entity; YUBA COUNTY JAIL, a municipal entity; Yuba COUNTY sheriff’s DEPARTMENT, a municipal entity; Sheriff Wendell ANDERSON, in his individual, and official capacities; CAPTAIN ALLAN GARZA, in his individual, and official capacities (herein collectively “Defendants”), filed a stipulation (Dkt. 16) requesting a stay of all proceedings, disclosures, and all other deadlines and hearings in the matter to allow the parties to engage in mediation. On January 13, 2023, the Court issued an order (Dkt. 17) granting the parties request for a stay on all proceedings, and requested that the parties file a joint report within 30 days of the mediation apprising the Court of the status of the case. Additionally, the Court stated that Plaintiff will have 10 days from the lifting of the stay to serve rebuttal expert disclosures and file for leave to amend the Complaint.

After meeting and conferring, on May 5, 2023, the parties and yet to be joined/named party California Forensic Medical Group (hereinafter “Wellpath”) engaged in a mediation before Hon. William McCurine, Ret., however, no resolution to case was reached by the parties. As such, the parties are filing the instant joint report.

Plaintiff’s Position:

Upon the lifting of the stay Plaintiff intends to promptly file for leave to amend the complaint to add California Forensic Medical Group (hereinafter “Wellpath”), a provider of healthcare services at Yuba County Jail, as a Defendant in the instant action. Plaintiff also advised of her intention to add specific Wellpath employees employed at the Yuba County Jail, as well as other County employees

1 previously identified by Plaintiff to Defendants' counsel. This was based on
2 information determined during written discovery. Plaintiff maintains that Wellpath
3 and certain individual parties are indispensable parties to this matter and will seek
4 leave in the interest of justice. Plaintiff will additionally seek to modify the
5 scheduling order to engage in further fact discovery in the matter.

6 **Defendants Position**

7 Per the Court's scheduling order at the beginning of this case, discovery in this
8 matter is closed. As required by the Court's order, Defendants timely disclosed
9 experts. There is no further discovery that should be allowed, and the time to add
10 new parties has passed. Defendants intend to file motions for summary judgment.

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16 PORTER SCOTT
17 A PROFESSIONAL CORPORATION

18 Dated: June 5, 2023

19 By /s/ Carl L. Fessenden
20 Carl L. Fessenden
21 Matthew W. Gross
22 Attorneys for Defendants
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WEST COAST TRIAL LAWYERS, APLC
NAVAB LAW, APC

Date: June 5, 2023

By: /s/ Kaveh Navab

SAM N. SIMANTOB, ESQ.

KAVEH NAVAB, ESQ

Attorneys for Plaintiff,

YOUA VUE